

December 26, 2017

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VIA E-MAIL

James B. Alcorn, Chairman
Clara Belle Wheeler, Vice Chair
Singleton B. McAllister, Secretary
Virginia State Board of Elections
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

Re: Lot Drawing Scheduled for December 27, 2017

Dear Chair Alcorn, Vice Chair Wheeler, and Secretary McAllister:

We write as counsel to Shelly Simonds to request that the State Board of Elections (the “**Board**”) delay the determination by lot that is scheduled for tomorrow, December 27, 2017, pursuant to Va. Code Ann. § 24.2-674 until the three-judge recount panel has an opportunity to rule on the Motion for Suspension and Motion for Reconsideration attached to this letter.

A decision by the three-judge recount panel to suspend its order and reconsider its determination that the recount between Mrs. Simonds and David Yancey ended in a tie could moot the need for the Board to hold the drawing at all. The statute does not require the Board to conduct the drawing by any set deadline and no parties will be prejudiced by a brief delay, provided that the process is completed before the legislative session begins on January 10, 2018. Accordingly, the Board should delay the drawing until the panel has an opportunity to rule on the Motions.

We appreciate your consideration.

Very truly yours,

/s Ezra W. Reese
/s Jonathan S. Berkon
Counsel to Shelly Simonds

cc: Edgardo Cortes, Commissioner
Elizabeth Howard, Deputy Commissioner